

ADVISORY OPINION 94-016

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

August 31, 1994

Mr. John H. Cole  
Coopers & Lybrand, L.L.P.  
500 W. Main Street  
Suite 1800  
Louisville, Kentucky 40202-4264

Dear Mr. Cole:

Thank you for contacting the Registry of Election Finance. Based on the letter you sent the Registry and the supplemental facts you gave me over the phone, the facts to your question may be stated as follows:

You are a member of Coopers and Lybrand, a public accounting firm, which has a state bid contract to audit the account of the Kentucky state lottery. You and other members of your firm wish to make contributions (from your individual personal funds) to slates of candidates for the office of Governor and Lieutenant Governor, who will be running in the 1995 elections.

Based on the information you have provided, your question is two part and may be stated as follows:

1. May members of an unincorporated public accounting firm, which has a state bid contract, make political contributions to slates of candidates for the 1995 gubernatorial elections? And
2. If the members of Coopers and Lybrand may make personal, political contributions to gubernatorial slates for the 1995 gubernatorial elections, what are the restrictions on such contributions?

Individual members of Coopers and Lybrand public accounting firm may make the contributions you contemplate. There are some rules that apply to the individual members making the contributions you contemplate. First, since you are asking about a bid contract, KRS 121.330 does not apply to your situation, unless it has other nonbid state contracts. KRS 121.330 speaks to situations where there is an award of a nonbid contract.

KRS 121A.050(1) prohibits any gubernatorial slate from accepting more than \$500.00 from any "natural person." Id. You, other Coopers and Lybrand members, and any employees of Coopers and Lybrand fall within the "natural person" category. Id. Therefore, no gubernatorial slate could accept more than \$500.00 from any of these natural persons per election.

KRS 121.056 could place restrictions on the individual contributors and contributions you contemplate. For instance, under KRS 121.056(2), a partner in Coopers and Lybrand, who contributed more than the maximum \$500.00 contribution, to any gubernatorial slate, could cause Coopers and Lybrand to lose a state nonbid contract, depending on exactly how much interest the individual contributor/partner owned in Coopers and Lybrand. Further, a violation of KRS 121.056(1) would prevent any violator from holding a gubernatorial appointed office. Id. Criminal penalties for violations of KRS 121.056 are found in KRS 121.990, and this section designates a "knowing" violation as a Class D felony.

Finally, KRS 121.150(6) prohibits any person from contributing more than \$500.00 to any "campaign committee in any one (1) election." Id. KRS 121.990 designates a "knowing" violation of KRS 121.150(6) as a Class D felony.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Rosemary F. Center  
General Counsel

RFC/db